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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,437	01/18/2005	Franco Burco	NOTAR-019US	3675
7663	7590	03/13/2006	EXAMINER	
STETINA BRUNDA GARRED & BRUCKER			LARSON, LOWELL A	
75 ENTERPRISE, SUITE 250			ART UNIT	
ALISO VIEJO, CA 92656			PAPER NUMBER	

3725

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/522,437	Applicant(s) BURCO ET AL.	
	Examiner Lowell A. Larson	Art Unit 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 to 19 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 to 19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/4/2005</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 to 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller et al. in view of Noda.

Muller et al. discloses a rolling plant arrangement such as that of the invention, including a compact intermediate rolling group consisting of two universal stands separated by a two-high edging stand. It is noted from Muller et al. that one skilled in the art is considered to be able to determine an optimal rolling schedule for any specific product. See, for example, column 2, lines 54 to 63, and column 3, lines 8 to 14. Thus, the pass sequences and reductions amounts recited in these claims are considered to be merely an obvious exercise of mechanical design to optimize conditions in the desired product, and not a patentable distinction absent a disclosure of criticality in the solution of stated problems with the provision of a particular rolling sequence or reduction rate in combination with the production of a specific shape. It is noted that, regarding these claims, either of the Muller et al. universal stands can be considered the first stand the other the second stand. Thus, the rolling sequence of Claim 1 would be met regardless of the direction the bar is introduced into the compact group.

Noda discloses a compact rolling group such as that of Muller et al., and advises that the stands should be spaced such that the entire length of the bar is acted on simultaneously by all three stands. See column 2, lines 58 to 67. Rolling is made easier in such a manner because excessive cooling of the bar avoided.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to space the compact intermediate rolling group of Muller et al. such that the entire bar is simultaneously rolled by all three stands, following the suggestion of Noda, in order to avoid better utilize the rolling heat of the bar.

3. Claims 17 to 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over IDS citation JP03-86301 (Kubota hereafter) in view of Noda.

Figure 7 of Kubota discloses a rolling plant having the stands required by these claims. Kubota does not mention the spacing of the stands.

Noda discloses a rail rolling arrangement having a compact intermediate group and a finishing stand, and advises that, advantageously, the stands of the intermediate group should be spaced such that the bar being rolled is simultaneously engaged by all three of the roll stands, and the finishing stand should be spaced from the intermediate group by a sufficient distance that bars can be finish rolled independently of the intermediate group rolling. See column 2, lines 58 to 67.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to space the intermediate and finishing stands of Kubota Figure 7 such that a bar is simultaneously contacted by all three of the stands of the intermediate group and the finishing stand separated from the intermediate group to allow its use

independently, following the suggestion of Noda, in order to increase the efficiency of the plant in rolling various products.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 17 to 19 are rejected under 35 U.S.C. 102(b) as being anticipated by IDS citation XP-002235552 (Kobyzev hereafter).

The rail and rolls disclosed in the Kobyzev figure clearly show every feature recited in these claims.

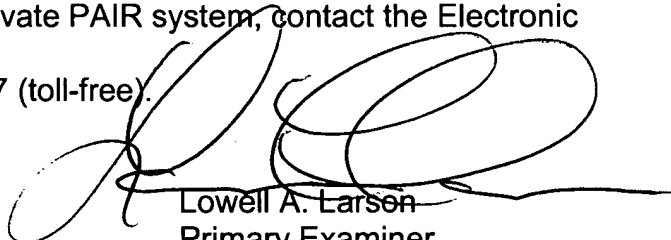
Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Faessel et al. and Engel et al. further show the state of the art.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lowell A. Larson whose telephone number is (571) 272-4519. The examiner can normally be reached from M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Banks Derris can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lowell A. Larson
Primary Examiner
Art Unit 3725

LAL
March 3, 2006